



OFFICE OF THE ATTORNEY GENERAL OF TEXAS
AUSTIN

February 23, 1939

Mr. Julian Montgomery, Engineer
State Highway Department
Austin, Texas

Dear Mr. Montgomery:

0-304

Re: D-1 Title Opinion on County warehouse
Site at Balmorhea, Reeves County, Con-
taining 1.312 acres

This Department has received your request
for an opinion on the title to the above captioned
property as reflected by the following abstracts.

Abstract of title No. 871 covering 1.312
acres out of 107.11 acres of Section 31, Block 13,
K. & G. R. Railroad Company Survey, Reeves County,
Texas consisting of pages 1 to 22 inclusive and com-
piled by Holman-McDowell Abstract Company, Pecos,
Texas.

Supplemental abstract of title No. 14,854
covering the above land and consisting of pages 1 to
69 inclusive and compiled by Pecos Abstract Company,
Pecos, Texas.

Supplemental abstract of title No. 15,003
covering the above land consisting of pages 1 to 50
inclusive, pages 1 to 7 inclusive, and pages 1 to 7
inclusive and compiled by Pecos Abstract Company,
Pecos, Texas.

The above abstract and supplements certify
the title to the property under search from the date
of patent from the State of Texas to February 2, 1939
at five o'clock. The certificate should be brought
up to date of closing your purchase.

We find that Charles L. Spittler and
wife Mrs. Fannie Spittler have good fee simple

100-555
Hon. Julian Montgomery, February 25, 1939, Page 2

title to the 1,212 acres described in the warranty deed from Charles Splitgarber and wife Tillie Splitgarber, to the State of Texas, subject to the following objections and requirements.

1. Objection: At page 6 of the second supplement to the abstract there appears an order of the court removing the disabilities of John Henry Koier. The abstract fails to show:

- (a) the citation issued to the County Judge made necessary by the fact that the minor's father was dead;
- (b) the application made by John Henry Koier;
- (c) the order appointing a guardian ad litem.

We do not know if these instruments were filed or if they meet the requirements of our statutes.

Requirement: The abstract should show:

- (a) the citation to the County Judge;
- (b) the application of John Henry Koier;
- (c) the order appointing the guardian in that proceeding.

2. Objection: The title of Charles Splitgarber and wife Tillie Splitgarber was acquired by conveyances from the heirs and assignees of the heirs of J.P. Koier, but the estate of J.P. Koier was in administration and the abstract does not disclose that the administration has been closed or that all of the claims against the estate have been paid. The outstanding claims against the estate, if any, would constitute liens upon the property under search.

Hon. Julian Lontjonyay, February 25, 1959, Page 3

REVIEWER'S: The administration of the estate of J.F. Heier should be closed and the instruments inserted in the abstract.

3. Objection: The tax certificate issued by Louis Roberson, Tax Collector of Newes County, recites that it covers 158 acres in Section 31, Block 13, N. & S. R. Railroad Survey in the name of Charles Splittgarter. The description is not sufficient for us to determine whether the 1.512 acres under search is included in the lands covered by the certificate.

PETITIONER: The tax certificate should specially cover the 100.27 acres acquired by Charles Splittgarter from the heirs and assignees of J.F. Heier. The 1.512 acres under search is a part of the 100.27 acres formerly owned by J.F. Heier.

We cannot personally inspect the property you are about to purchase and you should determine to your satisfaction, that there are no persons living on any part of the property or asserting any right of possession.

The warranty deed attached to the abstract appears to be in good form, however, you should see that the acknowledgments are properly dated and executed.

Yours very truly

ATTORNEY GENERAL OF TEXAS

EN:ob

By
HOB

Morris Hodges.
Morris Hodges
Assistant

J.D.

Sherrod Frame
ATTORNEY GENERAL OF TEXAS

